

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

PATRICK JOHNSON,

Defendant.

Case No. 2:06-cr-0013-RLH-RJJ

**ORDER**

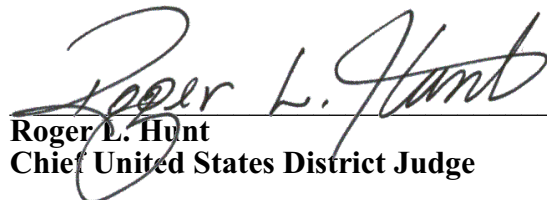
(Motion for Certificate of Appealability—#108)

Defendant Patrick Johnson moves for a Certificate of Appealability (#108, filed April 18, 2011). The Court denies the request as he has not made a substantial showing, in his motion pursuant to 28 U.S.C. §2255, that he was denied any constitutional right. Each of his claims has been addressed by this Court and the Court of Appeals and his claims have been found wanting. The record clearly refutes his claims. The Motion simply attempts to reargue his claims on appeal. As noted in this Court's Order (#107) denying his §2255 motion, the search warrant adequately described the place to be searched and the things to be seized. There is no evidence that he was prejudiced by any failure to provide him with a copy of the attachments which contained this information. There is no evidence presented which would have justified a *Franks* [*v. Delaware*, 438 U.S. 154, 155-56 (1978)] hearing. His mental condition was considered at sentencing. There is absolutely no showing that counsel was ineffective.

IT IS THEREFORE ORDERED that Defendant Johnson's Motion for Certificate of Appealability is DENIED.

1 IT IS FURTHER ORDERED that the Court will not issue a Certificate of  
2 Appealability.

3 Dated: April 25, 2011.

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6 **Roger L. Hunt**  
7 **Chief United States District Judge**  
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